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## BALTIMORE UNDER ITS NEW CHARTER

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The new charter of Baltimore city was enacted by the legislature and approved by the governor on March 24, 1898, and by its terms went into effect immediately, but as the new officials and boards created by it were not appointed until February, 1900, the municipal government could not be fully organized under it before March 1, 1900; so that on March 1, 1906, it will have been in full operation just six years—a sufficient period to enable us to pass an intelligent judgment upon its general efficiency. Such a judgment, if fairly rendered, must undoubtedly be a favorable one. Without claiming that the instrument is perfect, it is submitted that no candid person, who is at all familiar with the actual results of its operation since it was passed, can avoid the conclusion that it has already greatly improved the administration of our municipal government and affords the opportunity for much further improvement. In order that the manner in which this has been effected may be intelligible to the average reader who is not already familiar with the provisions of the charter, it will be necessary to refer briefly to a few of the more salient features of that instrument.

The executive functions of the municipality are vested in a mayor, who is elected for a term of four years, and in seven executive departments, known as those of Finance, Law, Public Safety, Public Improvements, Public Parks and Squares, Education, Charities and Corrections, and Review and Assessments, together with certain municipal officers not embraced in any department. Each of these departments has its head, either a municipal officer or a municipal board, and most of them are divided up into two or more sub-departments, each of which also has its own appropriate head. Except the comptroller, who is elected by the people, the heads of all departments and of all sub-departments, and all

municipal officials not embraced in any department, as well as all special commissions or boards, are appointed by the mayor, subject to confirmation by the second branch of the city council, for a term of four years, unless otherwise specially provided. The officials so appointed are removable by the mayor at any time during the first six months after appointment at his pleasure, but thereafter may only be removed for cause upon charges preferred and after trial had thereon before him.

The heads of departments, heads of sub-departments, municipal officers not embraced in a department, and all special boards and commissions, have the sole power of appointment and removal at pleasure of their subordinates. The city engineer, water engineer, harbor engineer, inspector of buildings and commissioner of health, are all required to be experts, who have had at least five years' experience in the active practice of their respective professions with the responsible charge of work during that period.

This method of confining the appointments to office by the mayor to the heads of departments, heads of sub-departments, municipal officials not embraced in a department and special commission or boards, and making these appointments generally for a term of four years, subject to confirmation by the second branch of the city council which has only nine members, is a marked improvement over the former method by which the mayor nominated and with the advice and consent of a convention of the two branches of the city council (thirty-six members in all) appointed for a term of two years "all officers under the corporation except the register of the city and clerks employed by the city—or under its authority." For under it appointments to most of the minor offices were usually made at the dictation of the members of the city council or of the local boss who could make out the best claim to the patronage of that office as his especial perquisite. A mayor who failed to recognize the claims of at least a majority of the members of the city council to what they considered their fair proportion of executive patronage could not ordinarily get any of his appointments confirmed by the joint convention. A former mayor has more than once publicly stated that when in office ten or twelve years ago he had to trade off his appointment of two lamplighters and a constable in order to secure the confirmation of the founder of the Enoch Pratt Free Library as a finance commissioner. Since the new charter has been in operation there has been

no such abuse of the power of confirmation lodged in the second branch nor has any proper appointment of any mayor ever yet been held up or turned down by that body. Now the mayor has, or ought to have, nothing whatever to do with the appointment of minor officers. This power is committed to the discretion of the heads of the various departments who are held responsible for any inefficiency on the part of their subordinates. Of course, a mayor, who chooses to do so, *may*—at least during the first six months after he has appointed the head of a department—exercise great influence in dictating whom that officer shall appoint as his subordinates, but both our late mayor and present mayor have absolutely refused to interfere in any manner with the exercise of the discretion given by the charter to the heads of departments in appointing these subordinates, and if their successors in office are wise and desire to have successful administrations they will do well to follow this example.

It must be admitted, however, that while this system has worked satisfactorily so far, the supreme test as to its practicability has yet to be applied. Mayor Hayes, under whom the new charter first went into full operation, was elected as a Democrat and appointed all his heads of departments from that party. He was succeeded in May, 1903, by Mayor McLane, who was also elected as a Democrat and made his appointments in the following September from the same party, most if not all of them being selected on grounds of fitness and capacity for the discharge of their official duties. Although in making these appointments he confined himself to those affiliated with his own party, except where the law provided for minority representation on boards, he refused to submit to any dictation from the party managers as to what persons he should appoint. In some cases he reappointed the same officials who had served under his predecessor, and in all cases, while holding each departmental head strictly responsible for the proper administration of his department, he refused to interfere in any way to influence the latter's selection of the subordinates through whom it was to be operated. Mayor McLane's sudden death on May 30, 1904, after he had been in office little more than a year, devolved the duties of the office for the remainder of his four years' term upon Hon. E. Clay Timanus, president of the second branch of the city council, who had been elected to that office as a Republican at the same time that Mr. McLane was chosen mayor as a Democrat, so that the various heads

of departments having nearly all been appointed by the latter for terms of four years, which will not expire until after a new mayor shall be elected, and having all been in office over six months, they were not removable by Mayor Timanus except for cause after charges preferred and trial had before him, and no such removals have ever been attempted.

Whether the mayor to be elected in May, 1907, will, after appointing his heads of departments, and during the six months while he will have power to remove them at pleasure, attempt to influence them to appoint their subordinates with a view to promote partisan political aggrandizement rather than the efficiency of the public service, is a matter for the future to determine. But we may expect with reasonable certainty that the longer such an attempt is postponed, the greater opposition will it encounter from public sentiment.

The legislative department of the city government consists of the first and second branches of the city council. The first branch is composed of twenty-four members, one of whom is elected by each ward of the city every two years. The second branch consists of nine members. Its president is elected by the city at large at the same time as the mayor for a term of four years, and in case of vacancy in the office of mayor by death, resignation or permanent disqualification, becomes mayor for the remainder of said term. Of the eight other members, two are elected by each councilmanic district of six wards, each for a term of four years, but so that the terms of four of the members, one from each district, shall expire every second year. Thus municipal elections are held once in every two years for all members of the first branch and half the members of the second branch; and they are held once in four years for mayor, president of the second branch and comptroller. These elections are held in May, six months before the state and federal elections.

One result of the separate municipal spring election was a decided improvement in the character of the men sent to the city council—notably in the members of the second branch, four of whom were elected every second year, one from each legislative district of the city, embracing six wards. There has been also some improvement, although not so much, in the members of the first branch, one of whom is elected every second year from each ward. These elec-

tions have also had the beneficial effect of taking municipal affairs to a considerable extent out of the control of the regular political party managers. While it still remains true that no one can reasonably expect to be elected to any municipal office without getting either a nomination or an endorsement from one or the other of the leading political parties of the state, there is nevertheless so much more independent voting at these spring elections than at those which have to do with state or national politics, that the independent voters hold the balance of power in them by so much wider a margin as frequently to cause the result to be determined by considerations other than purely political ones.

For example, in the spring election of 1903 Mr. McLane, the Democratic candidate for mayor, was elected by a plurality of 564 votes, while Mr. Timanus, the Republican candidate for president of the second branch of the city council, was elected by a plurality of 2,045 and Mr. Heffner, the Republican candidate for comptroller, was elected by a plurality of 795. At the state election in November of the same year all candidates upon the Democratic ticket carried the city of Baltimore by pluralities ranging from 9,640 to 3,765. One result of these elections was the introduction into the next legislature of a bill—which, according to the newspapers, had the support of the managers of both political parties,—abolishing spring elections and going back to the old system by which the mayor's appointments were made subject to the confirmation of a joint convention of both branches of the city council instead of by the second branch only. This bill was rushed through the legislature but happily, for the cause of municipal reform, was vetoed by the governor. But for this, much of the good effect of the new charter would have been lost.

Perhaps the most beneficent feature of the charter is the restriction which it imposes upon the city council in the matter of spending money. Apparently the great object in life of the average city councilman is to have as many people appointed to office from, and as much public money spent in the ward or district he represents as possible, and in order to accomplish this he resorts to that system of give and take which has caused the river and harbor appropriation bill of Congress to be popularly known as "the Great Divide." Formerly when some public improvement was really needed in one of the wards, the councilman from that ward in order

to get it would often have to vote for appropriations for expenditures of a like amount in a majority, at least, of the other wards, many of which were not really needed.

This system has been done away with under the new charter by conferring the sole power of making appropriations upon a Board of Estimates consisting of the mayor, the president of the second branch, the comptroller—all of whom are elected by the people—and the city solicitor and city engineer, both of whom are appointed by the mayor. Prior to October 1st of every year the head of each department is required to furnish this board with his estimate of the money required for his department during the next year, and from these estimates and such other *data* as they can obtain the board prepares and submits to the city council an itemized appropriation bill for all sums of money required to be spent by the city during the coming year (including such public improvements as it may deem necessary or expedient to be made). At the same time it fixes the tax levy for the next year at a rate sufficient to meet the expenditures so recommended, together with a contingent fund of \$50,000 provided to meet any unforeseen emergencies that may arise. When this ordinance comes before the city council for its action it may reduce or strike out, but may not increase any item, nor may it insert any new ones, and it may increase but may not diminish the rate of the tax levy.

The new financial system thus established has so far worked admirably. Its fundamental provision is that no money shall be paid out under any appropriation until the money for that appropriation is actually in the city treasury, and no appropriation can be used for any purpose other than that expressly named in the ordinance. Under the former system whenever money was needed it was raised by temporary loans, which became a floating debt, and when this grew too large to be carried as such it was funded and a bonded indebtedness created. The new system not only prohibited but made absolutely null and void the creation in the future of any temporary loan or floating debt with the single exception of allowing a temporary loan to be met by taxes in the process of collection. That this system is a good practicable working one is demonstrated by the fact that it stood the test of the time of stress following our great fire in February, 1904, so successfully that no changes in it were then found necessary. In the report of Mayor Hayes for the year

ending December 31, 1902, he calls attention to the fact that during the years 1894 to 1898, inclusive, the city paid out as interest on its temporary loans \$553,314.77, and during the years 1898 to 1902, inclusive, it received as interest on its cash balance in banks \$132,262.97, making a saving of \$685,577.74 in the matter of interest alone. The tax rate had in the meantime been steadily reduced as shown by the following table:

Rate for 1896.....	\$2.00	Rate for 1900.....	\$1.67
“ 1897.....	2.00	“ 1901.....	1.81½
“ 1898.....	2.25	“ 1902.....	1.95
“ 1899.....	1.98	“ 1903.....	1.86¾

He also calls attention to the fact that the sinking fund which had been so often plundered and robbed under previous administrations in order to keep down the tax rate is now kept sacred, and during his administration (of a little over three years and a half) had been increased \$8,276,395.61. He further says: “The public money has been honestly and economically expended, and full value has in all cases been received. No jobs or rake-offs on contracts have been tolerated. The lowest responsible bidders, without the necessity of seeking outside aid, have been the ones who have done the work or furnished supplies for the city. Specifications which require the broadest competition have always been required, and favoritism in awarding contracts is unknown in the government of Baltimore.” All this I believe to be strictly true, and I also agree with the mayor in his statement that the exercise of the functions and powers of the Board of Estimates has been the principal agency in the improvement of our city government, although I think it no more than just to add that the Board of Awards (consisting of the same officials who compose the Board of Estimates, excepting that the city register is substituted for the city engineer), is an agency second only to the Board of Estimates in its importance. It is made the duty of this board to advertise in two or more daily newspapers for at least ten days for proposals before any contract is made for any public work or the purchase of any supplies or materials for the city involving the expenditure of over \$500, and to award all such contracts under regulations prescribed by law to the lowest responsible bidder. The results of the work of this board have proved most satisfactory.



A striking illustration of these results is to be found in the reforms in the city engineer's department which has charge of all the street paving. In Mayor Hayes' report, already quoted, he mentions that vitrified brick on sand foundation had cost during his administration \$1.45 per square yard, while during previous administrations, from 1881 to 1894, it had varied from \$1.80 to \$3.67 per square yard. He also states that the average cost of Belgian block laid during his administration had been \$1.92 per square yard, while some work on this pavement done by day labor during the years 1889 to 1894, inclusive, had cost from \$3.30 to \$14.97 per square yard. In this connection it may be mentioned that some years ago a story was told about town to the effect that when some man remonstrated with one of his visitors for spitting on his new Brussels carpet which he said had cost him \$3.50 per yard, the visitor retorted that he was accustomed to spit upon the pavement on Gay street which cost \$7.50 per yard. Investigation by officials of the present department has since disclosed the fact that the Gay street paving thus referred to really cost the city over \$14.50 per square yard.

Great improvements have also been made in the management of the city jail. In the year 1898, 649 inmates were there entertained at an average cost of \$47.14 per head. This expense has been gradually reduced until during the year 1904 the cost of 679 persons was only \$29.45 per head, while the inmates appear to be equally comfortable and secure and are given better food.

But the greatest reforms seem to have been accomplished in the Department of Education. Formerly the public school board consisted of twenty-four members, elected annually by the city council, one from each ward, upon the nomination of the councilman from that ward, and it is needless to say that this body ran the public schools mainly upon the patronage system. At present, the school board consists of nine members appointed by the mayor from the city at large and selected for their fitness for the office. They are all appointed for a term of six years, but so that the terms of three of them expire every second year. They conduct the schools wholly upon the merit system, and as a natural consequence have greatly improved them. The following extract from its report to the mayor, dated June 19, 1901, concisely tells the story: "While new schools and new positions have been established—while many salaries have been raised and none decreased—the total cost of

public instruction has not been augmented. The amount estimated by the former board for the year 1900 was \$1,385,309; the amount actually appropriated for that year by the mayor and city council was \$1,298,870. This board entered upon its duties March 1, 1900, two months after the appropriation for that year had become available. At the end of the year there were unexpended balances amounting to \$39,104.63, which were paid into the sinking fund." To this may be added that the amounts expended for the day schools (exclusive of salaries) were, in 1898, \$187,936.13; in 1899, \$162,552.61; in 1900, \$98,968.15; 1901, \$89,314.70; in 1902, \$110,939.70; the increase of over \$20,000 in the latter year being owing to the great rise in the price of coal. But even then the money spent was \$5,860.30 less than the appropriation made.

The expenses for the year 1903 were \$127,432.13; for the year 1904, \$136,822.50; and there has been appropriated for the expenses of the current year 1905 the sum of \$144,747.50. This increase during the last three years includes some \$15,000 spent for portable school houses which have but recently been introduced into our system, and also the cost of an extensive laboratory equipment and books of reference provided for the City College and the five high schools, besides the establishment of manual training centers and cooking schools. But it will be noted that with all these additional outlays the appropriation for the current year is still some \$43,000 less than the amount expended in 1898 under the old régime, when the number of pupils actually attending the schools was 1,734 less than last year. The amount paid for salaries in the year 1899 was \$1,121,407; the amount appropriated for that purpose for the present year 1905 is \$1,214,360. In 1899 there were 1,802 teachers employed, with an average attendance of 53,728 pupils; while in 1904 there were only 1,737 teachers employed, although the average attendance of pupils had increased to 55,462.

This greater effectiveness of the teaching force has not been accomplished by any falling off in the character or amount of instruction given to pupils, but merely by declining to fill positions which were unnecessary and by reducing the number of teachers employed as principals. The improvement of the schools has been marked in every particular ever since the new board was organized, and their whole management can now be truly said to be entirely

removed from the domain of political influence and conducted upon the most approved modern methods.

The limits of this article preclude the discussion of the great improvements made within the last few years in the administration of the Department of Charities and Corrections which embraces the care of the city poor and the management of the city jail and the various juvenile reformatories, because many of the reforms are partly attributable to influences which had been in active operation for some time before the new charter was enacted, although it is largely through the agencies provided by that instrument that these influences could be effectively exerted.

But one result actually obtained, which it is believed was only made possible by the reformed method adopted in this department, is too striking to be omitted. After the great fire of February 7 and 8, 1904, the legislature appropriated \$250,000 as a contingent fund to relieve cases of destitution and need caused by that fire. The administration of this relief fund was confided to a committee of twenty-seven citizens appointed by the mayor and known as the Mayor's Advisory Relief Committee, the chairman of which was the president of the Board of Supervisors of City Charities. This committee administered relief largely through the various charitable institutions and churches in the city and after expending \$23,212.39 in the relief of every case brought to its attention which the officers considered to be within the purview of the act, returned the remainder of the appropriation to the state treasury. While a similar course might possibly have been followed before the days of the new charter, comparatively few persons can be found who would have deemed it at all likely.

For its great advances made in municipal reforms within the four years, Baltimore is much indebted to the pertinacity and zeal with which the Hon. Thomas G. Hayes, the first mayor elected under the new charter, during the three years and a half of his term of office always insisted upon the rigid observance of the requirements of that instrument in most of its particulars—especially those relating to financial matters. Could he have combined a little more of the *suaviter in modo* with the *fortiter in re* which he so constantly exhibited, his administration would doubtless have been even more successful than it was.

In conclusion, should I be asked how the various municipal

reforms above enumerated have been obtained, my answer would be: By recognizing and for a number of years taking advantage of the following facts: 1. That in large cities elections can rarely if ever be carried except through the instrumentality of one of the two great political parties. 2. That whenever there are in any city enough of the voters to hold the balance of power between these two parties, who have been educated to know what municipal reforms are really needed, and who are so impressed with their need that in order to obtain these reforms they are always ready to vote for the candidates for municipal office, irrespective of their political affiliations, whose election will most tend to promote those reforms, and if these voters do not hesitate to let it be publicly known for whom they vote and why they do so, such voters always can and generally will succeed, sooner or later, in obtaining those reforms. How a sufficient number of voters can be best educated as to the need of any particular reform up to the point that will induce them to take the steps required to obtain it must depend upon the exigency of the occasion, but it can always be safely assumed that before any election the result of which appears to be at all doubtful, whenever the politicians know that there is an independent vote large enough to turn the scale either way, the party managers will always be ready to sacrifice much and to promise more in order to capture that vote. Although party pledges made before election cannot always be implicitly relied on, experience has shown that no party can safely afford to ignore them altogether. As an illustration of the permanent character of reforms obtained by the method above indicated, it may be mentioned that although Mayor Hayes by his course in various matters—notably by his firm refusal to permit the city officials and employees under him to be assessed for party purposes—had aroused the hostility of the managers of the Democratic party to such an extent that they determined to defeat his renomination at all hazards, yet the effect produced upon public opinion by the reforms accomplished under the new charter was so great that in order to succeed in their purpose of defeating him they felt obliged to put up as a candidate against him at the primaries our late mayor, the Hon. Robert M. McLane, who in his canvass not only publicly avowed his thorough sympathy with these reforms, but declared his purpose, if elected, to do all in his power to maintain them, and whose high personal character as well as his excellent record during four years'

service in the office of state's attorney furnished a satisfactory guarantee that all promises made by him would be faithfully carried out—as, in fact, they were down to the time of his sudden and lamented death in May, 1904. His successor, Hon. E. Clay Timanus, has up to the present time been discharging the duties of his office in the same spirit and along the same general lines of policy.